

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 1:10-CV-11989-RGS

INSURANCE CO. STATE OF)
PENNSYLVANIA, as Subrogee of)
JAMES EASLER, and JAMES EASLER)
and MICHELLE STONE-EASLER,)
Plaintiffs,)
v.)
FREEDOM AIRLINES, INC.,)
MESA AIR GROUP, INC., and)
COMAIR, INC.,)
Defendants.)

**SECOND AMENDED COMPLAINT
OF INSURANCE CO. STATE OF PENNSYLVANIA**

1. The subrogee, Insurance Co. State of Pennsylvania ("ICSP"), is an insurance company located in Harrisburg, Pennsylvania and is licensed to do business in Massachusetts. At all relevant times ICSP insured James Easler's employer, American Sweeping/Dejana Industries, inc., for workers' compensation claims under policy no. 1241744.

2. The subrogee and intervenor, James Easler, is an individual living at 30 Walnut Avenue, Weymouth, Massachusetts 02188.

3. Michelle Stone-Easler is James Easler's wife and also lives at 30 Walnut Avenue, Weymouth, Massachusetts 02188.

COUNT I

4. The defendant, Freedom Airlines, Inc., is a foreign corporation licensed to do business in Massachusetts.

5. On or about December 20, 2007, while working at Logan Airport, Boston, Suffolk County, Massachusetts, James Easler was injured due to the negligence of the defendant, Freedom Airlines, Inc., while in the course and scope of his employment.

6. As a result of Freedom Airlines, Inc.'s negligence, ICSP was obligated to make workers' compensation payments to James Easler, pursuant to M.G.L. c. 152 for medical expenses and wage replacement.

7. Pursuant to M.G.L. c. 152, §15, ICSP is subrogated to the legal rights of James Easler for the purpose of establishing Freedom Airlines, Inc.'s liability and recovering damages in the form of the workers' compensation benefits paid to Easler. Said payments are currently estimated in excess of \$200,000.

WHEREFORE, ICSP demands judgment against Freedom Airlines, Inc. for damages equal to the amount of workers'

compensation benefits they paid to James Easler or to others on his behalf, together with statutory interest and costs.

COUNT II

8. ICSP repeats the allegations of paragraphs 1 through 7, above.

9. The defendant, Mesa Air Group, Inc., is a foreign corporation licensed to do business in Massachusetts.

10. On or about December 20, 2007, while working at Logan Airport, Boston, Suffolk County, Massachusetts, James Easler was injured due to the negligence of the defendant, Mesa Air Group, Inc. while in the course and scope of his employment.

11. As a result of Mesa Air Group, Inc.'s negligence, ICSP was obligated to make workers' compensation payments to James Easler, pursuant to M.G.L. c. 152 for medical expenses and wage replacement.

12. Pursuant to M.G.L. c. 152, §15, ICSP is subrogated to the legal rights of James Easler for the purpose of establishing Mesa Air Group, Inc.'s liability and recovering damages in the form of workers' compensation benefits paid to Easler. Said payments are currently estimated in excess of \$200,000.

WHEREFORE, ICSP demands judgment against Mesa Air Group, Inc. for damages equal to the amount of workers'

compensation benefits they paid to James Easler or to others on his behalf, together with statutory interest and costs.

COUNT III

13. ICSP repeats the allegations of paragraphs 1 through 12, above.

14. The defendant, Comair, Inc., is a foreign corporation licensed to do business in Massachusetts.

15. On or about December 20, 2007, while working at Logan Airport, Boston, Suffolk County, Massachusetts, James Easler was injured due to the negligence of the defendant, Comair, Inc. while in the course and scope of his employment.

16. As a result of Comair, Inc.'s negligence, ICSP was obligated to make workers' compensation payments to James Easler, pursuant to M.G.L. c. 152 for medical expenses and wage replacement.

17. Pursuant to M.G.L. c. 152, §15, ICSP is subrogated to the legal rights of James Easler for the purpose of establishing Comair, Inc.'s liability and recovering damages in the form of workers' compensation benefits paid to Easler. Said payments are currently estimated in excess of \$200,000.

WHEREFORE, ICSP demands judgment against Comair, Inc. for damages equal to the amount of workers' compensation

benefits they paid to James Easler or to others on his behalf, together with statutory interest and costs.

ICSP DEMANDS A TRIAL BY JURY.

INSURANCE COMPANY STATE OF PA
By its attorneys,

/s/ David M. O'Connor

David M. O'Connor
BBO No. 544166
Joseph C. Abate
BBO No. 566705
O'CONNOR & ASSOCIATES, LLC
100 State Street, 4th Floor
Boston, MA 02109
(617) 723-7201
doconnor@oconnorllc.com
jabate@oconnorllc.com

Dated: April 5, 2012

CERTIFICATE OF SERVICE

I, David M. O'Connor, hereby certify that I caused the foregoing to be served upon all counsel of record via ECF on April 5, 2012.

/s/ David M. O'Connor

David M. O'Connor